

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

LAURA SEIDL, derivatively on behalf of the)
Nominal defendant with respect to its series)
mutual fund, the American Century Ultra Fund,)
)
)
)
)
Plaintiff,)
)
)
v.) Case No. 10-4152-CV-W-GAF
)
AMERICAN CENTURY COMPANIES, INC.,)
AMERICAN CENTURY INVESTMENT)
MANAGEMENT, INC., JAMES E. STOWERS,)
JR., JAMES E. STOWERS, III, JONATHAN)
S. THOMAS, THOMAS A. BROWN,)
ANDREA C. HALL, DONALD H. PRATT,)
GALE E. SAYERS, M. JEANNINE)
STRANDJORD, TIMOTHY S. WEBSTER,)
WILLIAM M. LYONS, MARK MALLON,)
WADE SLOME, BRUCE WIMBERLY, JERRY)
SULLIVAN and BILL MONROE,)
)
)
Defendants,)
)
AMERICAN CENTURY MUTUAL)
FUNDS, INC., doing business as AMERICAN)
CENTURY ULTRA FUND,)
)
Nominal Defendant.)

**MOTION TO DISMISS PLAINTIFF'S
FIRST AMENDED VERIFIED DERIVATIVE COMPLAINT**

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Defendants Thomas A. Brown, Andrea C. Hall, Donald H. Pratt, Gale E. Sayers, M. Jeannine Strandjord, and Timothy S. Webster and nominal defendant American Century Mutual Funds, Inc., doing business as American Century Ultra Fund (hereinafter "Defendants"), respectfully move this Court to dismiss Plaintiff's First Amended Verified Derivative Complaint with prejudice, and for any other relief the Court deems just and proper.

In support of this Motion, Defendants state that Plaintiff has failed to allege facts sufficient to establish wrongful refusal of demand. Suggestions in Support of this Motion are filed herewith and are incorporated by reference.

Dated: September 30, 2011

Respectfully submitted,

BERKOWITZ OLIVER WILLIAMS
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